

Foreign Military Sales and Assistance Act -- S. 1443
(Passed by Senate, 26 June 1973)

Purpose: Phases out military grants and U. S. military missions over a period of four years and lessen government involvement in the sale of arms and military equipment to foreign countries.

Sections of Concern to CIA

I. Police Training

"AUTHORIZATION OF APPROPRIATIONS. Sec. 2502 (b)

No part of any appropriation made available to carry out this or any other law shall be used to conduct any police training or related program for a foreign country." (same as Sec. 115 of S. 2355)

Committee Report (page 33): Prohibits training both in U. S. and abroad and covers all phases of law enforcement. There is no stated exception for narcotics programs as does the report for S. 2335.

II. Transfer of Funding Authority

"SOUTH VIETNAM, LAOS, AND CAMBODIA. Sec. 3109 (a)

After June 30, 1973, no sale, credit sale, or guaranty of any defense article or defense service shall be made, or any military assistance (including supporting assistance) furnished to South Vietnam or Laos directly or through any other foreign country unless that sale, credit sale, or guaranty is made, or such assistance is furnished, under this Act. The provision of this subsection shall not apply to funds obligated prior to July 1, 1973. (b) Any sale, credit sale, or guaranty made, or assistance provided under this Act to South Vietnam, Laos or Cambodia shall be made or furnished with the objective of bringing about peace in Indochina and strict implementation of the cease-fire agreement in Vietnam and Laos and any cease-fire agreement that may be reached in the future with respect to Cambodia."

Committee Report (page 24): The program of military assistance to Vietnam and Laos would be transferred from Department of Defense authorization and appropriations after June 30, 1973. In S. 1443, as passed by the House, this date is June 30, 1974.

III. President's Reports to Congress

Section 3109 (f) (page 43 of bill) provides President must submit quarterly reports to the Congress on the nature and quantity of all types of foreign assistance provided to Vietnam, Laos and Cambodia under this Act or any other law. Included are the number and types of U. S. personnel present in or involved in providing assistance and a report on implementation of cease fire agreements.

"Foreign assistance" is defined in Section 3301 (d) (1) (page 49 of bill) as... "any tangible or intangible item provided by the United States Government under this or any other law to a foreign country or international organization, including, but not limited to, any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies owned by the United States Government of any foreign country....

Assistance provided is defined in Section 3301 (d) (2) (page 49 of bill) as including but not limited to gift, loan, sale, credit or guaranty.

Section 3303 (page 51 of bill) provides the President must report to the Congress or any committee or officer of the Congress concerning any finding or determination under this Act, the International Development Act, Foreign Assistance Act and Related Programs Appropriations Act. No committee or officer of the Congress may be denied requested information relating to any finding or determination even though such report has not yet been transmitted to the appropriate committee of Congress.

IV. Secretary of State's Reports to Congress

Section 3302 (page 49 of bill) requires the Secretary of State to provide the speaker of the House and the Senate Foreign Relations Committees quarterly reports on the furnishing of defense articles. The report also includes the number of U.S. Government personnel detailed to United States Diplomatic Missions performing military advisory duties, military mission, or other organization of the United States Government performing similar activities.

V. Access by U.S. Newsmen to U.S. Bases

Section 3110 (page 43 of bill) provides that no funds under the Act may be expended to provide any assistance to a foreign country in which there is a U.S. base unless the President has informed the Congress in writing that the foreign country has, consistent with security, authorized access to bona fide U.S. newsmen to such base.

Mutual Development and Cooperation Act of 1973 - S. 1443
(Passed House Amended, 26 July 1973)

House Version -- S. 1443

(House substituted text of H. R. 9360 for Senate approved S. 1443)

Sections of Concern to CIA

I. Police Training

"Section 821. GENERAL AUTHORITY... No Assistance shall be furnished under this section to South Vietnam unless the President receives assurances satisfactory to him that no assistance furnished under this part, and no local currencies generated as a result of assistance furnished under this part, will be used for support of police, or prison construction and administration, within South Vietnam. "

Committee Report (page 53): The Committee makes clear that this prohibition relates only to activities in Vietnam. The Committee recognizes benefits derived from training programs of Vietnamese police in the United States. The Committee considers the training of foreign police in the U. S. as designed "to impart modern, humanitarian police methods. "

II. International Narcotics Control

Section 12(a) amends the Foreign Assistance Act (Chapter 8 of part I) to require the President to submit, quarterly and semi-annually, reports to the Congress giving complete and detailed data on all activities and operations carried out by the U. S. Government relating to international narcotics control. The report is to include all costs, including the salaries of all indigenous and U. S. personnel engaged in the programs carried out by the U. S.

III. Transfer of Funding Authority

"MILITARY ASSISTANCE. Sec. 14... (b) After June 30, 1974, no military assistance shall be furnished by the United States to Laos or Vietnam directly or through any other foreign country unless that assistance is authorized under this Act or the Foreign Military Sales Act. "

Committee Report (page 40): Military assistance would no longer be funded from the Department Defense Budget after June 30, 1974. This transfer is considered in accordance with terms of the Vietnam cease fire which precludes entry of foreign weapons and troops except as provided by Geneva Agreements of 1954 and 1962.

In the Senate passed version of S. 1443, the date of transfer is 30 June 1973.

Foreign Assistance Amendments
Prohibiting Police Aid

S. 1443 Military Assistance Act
H. R. 9360 Mutual Development and Cooperation Act (Passed House as S. 1443)
S. 2335 Foreign Assistance Act

Comment:

Sec. 2502 of S. 1443 and Sec. 115 of S. 2335 provide no funds under any law may be used to conduct any police training or other related program for any foreign country.

Sec. 821 of H. R. 9360 precludes use of funds under that act to South Vietnam unless President assures himself that no support is being provided to South Vietnam police or for prison construction.

Committee report on S. 1443 notes prohibition is intended to cover training both in the U. S. and abroad. The report on S. 2335 notes that restrictive language is not intended to impair narcotics programs.

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Position:

discussed the legislation with Harry Cromer of the House Foreign Affairs Committee who stated that the House conferees would be sympathetic to the Agency position and would recognize that we would want to low profile our actions.

After consultation with Cromer, an analysis and status paper was forwarded to OGC and A/DDO. The latter was encouraged to study the impact of the bills and identify problems on a worst case basis.

was assigned the action and will provide specifics in order that we may formulate a position.

Status:

S. 1443 Passed Senate 26 June. Passed House, amended 26 July to conference or back to Senate.
H. R. 9360 Passed House 26 July as S. 1443
S. 2335 Foreign Relations reported out 2 August. Sent Senate Finance Committee

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